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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

CG/MG FAMILY PARTNERS, LTD.,

Petitioner,

v.

EDGE SYSTEMS, INC.

Registrant.



03-29-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #70

Cancellation No.: 31,410

MOTION FOR JUDGEMENT ON THE PLEADINGS

Registrant, Edge Systems, Inc. hereby moves for judgement on the record dismissing this Petition for Cancellation pursuant to 37 C.F.R. § 2.132 for the reasons set forth below.

In the above identified Cancellation, the Petitioner, CG/MG Family Partners, Ltd. was assigned a period for taking its Testimony-in-chief to close March 21, 2002. To date, neither the Registrant nor its attorney has been informed of any intention on the part of Petitioner to take testimony, and has received no notice that testimony is contemplated or is to be taken. It is now too late for Petitioner to take such testimony.

Petitioner has the burden of proof of supporting its Petition for Cancellation. That burden cannot now be met by Petitioner due to its failure to take testimony within the allotted time to show that it has used the registered mark or one similar thereto prior to the Registrant's filing date, and the allegations of the Petition supporting cancellation have been denied by Registrant. It therefore appears that no useful purpose would be

served by continuing the Petition and having Registrant take testimony, and dismissal of the Petition is therefore requested.

Registrant's Memorandum

Registrant has sought discovery both through interrogatories and a request for documents and things. Petitioner has not responded to either document. A motion to compel was filed with regard to the interrogatories and the request for documents and things, and the motion was granted. Again, the Petitioner did not respond to the request.

Thus, Petitioner has not only not presented proof supporting its position, but has failed to provide Registrant information relating to its position.

CONCLUSION

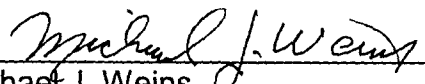
Registrant requests that the proceedings be decided in favor of Registrant, and the Petition for Cancellation be dismissed for the reasons set forth above.

Respectfully Submitted,

By Michael J. Weins
Michael J. Weins
31 Bank Street
Lebanon, New Hampshire 03766
(603) 448-1922
Attorney for Registrant,
Edge Systems, Inc.

CERTIFICATE OF SERVICE

I certify that a copy of this document, was sent by first-class mail, this 29th day of March 2002, postage prepaid, to H. N. Cunningham, III Esq., attorney for the Petitioner, Roberts, Cunningham & Stripling, L.L.P., 800 Preston Commons West, 8117 Preston Road, Dallas, Texas 75225.



Michael J. Weins
Attorney for Registrant,
Edge Systems, Inc.

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to BOX TTAB/NO FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513

on March 29, 2002



Elaine Stephenson

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